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PART -- IV-- Bills introduced in the Tripura Legislative Assembly: Report of Selection Committees presented or to be presented to the Assembly ; and Bills published before introduction in that Assembly.

TRIPURA LEGISLATIVE ASSEMBLY
SECRETARIAT
NEW CAPITAL COMPLEX
AGARTALA, TRIPURA, PIN – 799 010
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No.F.7(12-14)-LA/2018. *Dated, Agartala the* 24th *November , 2018.*

NOTIFICATION

" As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, **" The Tripura Scheduled Castes and Scheduled Tribes Reservation (Third Amendment) Bill, 2018 (The Tripura Bill No.10 of 2018) "** as introduced in the Assembly on the **23rd November, 2018** is published in the Tripura Gazette."

(S. Sikdar)
Secretary
Tripura Legislative Assembly

THE TRIPURA BILL NO.10 of 2018.

THE TRIPURA SCHEDULED CASTES AND SCHEDULED TRIBES RESERVATION (THIRD AMENDMENT) Bill , 2018.

A BILL

to further amend the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991(The Tripura Act No.5 of 1991)

WHEREAS, in Clause 14 of the Schedule , appended to the Act, there is a provision for 3% reservation for the physically handicapped and 2% reservation for the Ex-serviceman in direct recruitment; but the matter relating to the reservation in services and posts for differently abled (physically handicapped) persons is dealt with by a central legislation namely 'The Persons with Disabilities(Equal Opportunities , Protection of Rights and Full Participation)Act, 1995 and that particular central Act prescribes the percentage of vacancies to be kept reserved in any establishment of appropriate Government;

AND WHEREAS it is felt expedient to amend the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 (hereinafter referred to as the Principal Act); by deleting the relevant provisions from this Act;

BE it enacted by the Tripura Legislative Assembly in the Sixty ninth year of the Republic of India, as follows :-

1. Short title and commencement:-

(i) This may be called the 'Tripura Scheduled Castes and Scheduled Tribes Reservation (Third Amendment) Act, 2018;

(ii) It shall come into force on the date of its publication in the Tripura Gazette.

2. Amendment of Scheduled :-

Clause 14,15 & 16 of the SCHEDULE, appended to the Principal Act, are deleted.

STATEMENT OF OBJECTS AND REASONS

1. The Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991(The Tripura Act No.5 of 1991) was enacted to provide for reservation of vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes of the State . The Act exclusively deals with the reservation of Scheduled Castes and Scheduled Tribes in services and posts under the State and also for admission to educational institutions and undergoing any kind of training.
2. In Clause 14 of the Schedule, appended to the Act, there is a provision for 3% reservation for the physically handicapped and 2% reservation for the Ex-serviceman in direct recruitment. But the matter relating to the reservation in services and posts for differently abled(physically handicapped) persons is dealt with by a central legislation namely 'The Persons with Disabilities(Equal Opportunities , Protection of Rights and Full Participation)Act, 1995 and that particular central Act prescribes the percentage of vacancies to be kept reserved in any establishment of appropriate government . Government of India has recently enhanced the percentage of reservation in services and posts. Hence, the particular Clause 14 and the subsequent related Clauses 15 & 16 in the Tripura Scheduled Castes and Scheduled Tribes Reservation Act 1991, appear to be irrelevant, redundant and repugnant to the provision of the aforesaid central law. Further, consequent upon the changes in that central law , consequential amendments in this state law would be expedient, in every time, if these particular Clauses are remained there at.
3. It is so necessary to delete the said clauses 14,15 & 16 of the Tripura Scheduled Castes and Scheduled Tribes Act, 1991 by bringing this law in force.

The Bill seeks to achieve the above object.

TECHNICAL REPORT

The subject matter of The Tripura Scheduled Castes and Scheduled Tribes (Third Amendment) Bill, 2018 is relatable to Entry 41 of the State List (List-II) & Entry 25 of the Concurrent List (List- III) of the Seventh Scheduled, read with Article 16(4) & 46 of the Constitution of the India and therefore the State Legislature is competent to make a Law on this subject. The provisions of this Bill are not repugnant to any provision of any existing Central Act or the Constitution of India.

The Bill does not attract the proviso to clause (b) of Article 304 of the Constitution of India and therefore previous sanction the President of India is not required for introducing this Bill.

This is not a money Bill within the meaning of Article 199 of the Constitution and therefore prior recommendation of the Governor under Article 207 of the Constitution is not required.

FINANCIAL MEMORANDUM

The Scheduled Castes and Scheduled Tribes (Third Amendment) Bill, 2018 on its enforcement shall not involve any additional expenditure form the Consolidated Fund of the State;